

can be found throughout the specification and within claims 1 and 2, themselves. Accordingly, no new matter has been added.

In paragraph 3 of the Office Action, claims 1 through 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,324,499 to Lewis et al. (Lewis) in view of Japanese Patent No. JP41009184A to Kawada et al. (Kawada). In response, the Applicants have enclosed herewith affidavits supporting the removal of the Lewis reference under 37 C.F.R. § 1.131. In that regard, the Applicants first became aware that their invention may pre-date the effective date of the Lewis reference on June 1, 2002 while assisting in the preparation of a response to the office action mailed May 8, 2002. Accordingly, in response to the Office Action mailed May 8, 2002, the Applicants traversed the Examiners' grounds of rejection based upon the Lewis reference while concurrently investigating the Applicants' invention date.

On June 12, 2002, at the request of the Applicants' representative, the Applicants' assignee located an invention disclosure, attached hereto, entitled "Process for Determining if Excess Noise is Present in a Computer System." This invention disclosure definitively proves an invention date for the claimed portion of the Applicants' invention at least as early as October 30, 1998, which clearly pre-dates the effective date of the Lewis reference. As a result, based upon the located invention disclosure, the Applicants' representative prepared the attached affidavits for execution by the Applicants. Accordingly, the Applicants believe that there is good and sufficient reason why the Applicants had not previously removed Lewis as a reference.

In any case, as will be apparent from the attached affidavits, the Applicants invented the claimed subject matter of their invention prior to the effective date of the Lewis reference. Thus, the Applicants respectfully request the removal of Lewis as a reference and the concurrent withdrawal of the rejections under 35 U.S.C. § 103(a). In view of the foregoing, claims 1-12 are believed to be allowable. This entire application is now believed to be in condition for allowance. Accordingly, such action is respectfully requested.

The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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AMENDED CLAIMS IN CLEAN FORM UNDER 37 C.F.R. § 1.121(c)(1)(i)

1. (Amended) A method for identifying excess noise in a computer system comprising the steps of:

recording a silence sample;

second recording an isolated noise sample while operating a computer system component in isolation from other computer system components;

AI comparing signal characteristics of said silence sample with signal characteristics of said isolated noise sample; and,

attributing said isolated noise sample to said isolated computer component when said signal characteristics of said silence sample differ by a preset threshold from said signal characteristics of said isolated noise sample.

2. (Amended) A method according to claim 1, further comprising the steps of:

logging said signal characteristics of said silence sample and said isolated noise sample;

reporting excess noise identified in said attributing step; and,

suggesting a remedy for said identified excess noise.

MARKED-UP AMENDED CLAIMS UNDER 37 C.F.R. § 1.121(c)(1)(ii)

1. (Amended) A method for identifying excess noise in a computer system comprising the steps of:

recording a silence sample;

second recording an isolated noise sample while operating a computer system component in isolation from other computer system components;

comparing signal characteristics of said silence sample with signal characteristics of said isolated noise sample; and,

attributing said isolated noise sample to said isolated computer component when said signal characteristics of said silence sample differ by a preset threshold from said signal characteristics of said isolated noise sample.

2. (Amended) A method according to claim 1, further comprising the steps of:

logging said signal characteristics of said silence sample and said isolated noise sample;

reporting excess noise identified in said [identifying]attributing step; and,

suggesting a remedy for said identified excess noise.